IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
WRIT PETITION (LODGING) NO.2661 OF 2006

BGM Industrial Services . .. Petitioner
v/s.
Andhra Bank and another .. Respondents

Mr.H.M.G. Murthy, partner of the petitioner present.
Mr. J.S. Saluja i/by M/s. M.V. Kini & Co. for the respondent Nos.1 and 2.

CORAM : R.M. LODHA &
SMT.NISHITA MHATRE , JJ.

DATED : 17TH JANUARY, 2007

P.C.

Mr. J.S. Saluja, the advocate for the respondent Nos.1 and 2 handed in the affidavit of Senior Branch Manager of the second respondent. The same is taken on record.

2. In para 2 of the said affidavit, it is recorded thus-

> "..... that the original title documents/share certificates in respect of the industrial gala at No.66, Kakad Industrial Estate, LJ Cross Road No.3, Mahim, Mumbai-400016, deposited by the Petitioner with our Mahim Branch against the Term Loan of Rs.2.25 Lacs granted for the purpose of purchasing the said industrial gala, have been misplaced and are not traceable. Hence, the Andhra Bank, Mahim branch (Respondent No.2) is therefore issuing a Certificate to the concerned authorities in terms of the Term Loan having been fully repaid by the Petitioner, i.e. `No Due Certificate', Redemption of Mortgage, Letter to the Society for lifting the Bank's lien on the said Gala. Hereto annexed and marked as Exhibit-A, B and C respectively

are the said letters."

3. Mr. Saluja submits that the original No Dues Certificate dated 16.1.2007 (letter Exhibit `A'), letter to the petitioner dated 16.1.2006 discharging the petitioner from the bank's liability and that the petitioner has redeemed the property (Exhibit `B') and the letter to the society for lifting the bank's lien (Exhibit `C') have been handed over to H.M.G. Murthy-partner of the petitioner firm. Mr. H.M.G. Murthy who appears in person does not dispute this. He is satisfied with the affidavit and the documents given by the bank to him. His only request is that the bank should bear the requisite expenditure for the advertisement and other publication that may be necessary to enable the petitioner to obtain the documents from the society and the necessary correction in the society's record.

4. The request of the petitioner is fair and reasonable and we direct the respondents to give to the petitioner a sum of Rs.5,000/- by way of Pay Order/Banker's cheque towards expenses, as noticed above, within one week from today.

Writ petition stands disposed of accordingly.

(R.M.LODHA, J.)

(SMT. NISHITA MHATRE, J.)